

## Message Text

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ACTION VO-03

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FM AMEMBASSY SANTIAGO

TO SECSTATE WASHDC 7181

INFO AMEMBASSY LIMA

C O N F I D E N T I A L SANTIAGO 1173

EO 11652: GDS

TAGS: SREF, CVIS, CI

SUBJECT: REFUGEE AND MIGRATION AFFAIRS: CHILEAN PAROLE PROGRAM

REF: A) STATE 30439 B) 75 SANTIAGO 8146 C) 75 STATE 223888 (NOTAL)

D) 75 STATE 293022 (NOTAL) E) SANTIAGO 939 (NOTAL)

1. EMBASSY RAISED THE QUESTION OF DIFFICULTY WITH INTERPRETATION "SIMPATIZANTE" AS REGARDS MIR IN REF B. OUR INITIAL CONCLUSION WAS THAT PERSONS WITHIN THIS CATEGORY SHOULD BE DESCRIBED AS "UNDESIRABLE" RATHER THAN EXCLUDABLE. IN SEPARATE CASES OF CARMEN CASTILLO ECHEVERRIA AND MIRTA DIEZ NEE COMPAGNET GODOY (REFS C AND D), DEPARTMENT HOWEVER FOUND THAT "SIMPATIZANTE" OF MIR WAS EXCLUDABLE (ALTHOUGH DEPARTMENT USED DIFFERENT SECTIONS OF LAW IN EACH CASE), AND EMBASSY HAS SO FOUND IN SUBSEQUENT CASES.

2. SINCE THE DEPARTMENT BELIEVES THERE ARE STILL GRAY AREAS IN THIS MATTER OF "SIMPATIZANTE" OF THE MIR, AND TO PROVIDE THE DEPARTMENT WITH FULL BACKGROUND, THE EMBASSY WOULD LIKE TO MAKE THE FOLLOWING POINTS:

(A) THE MIR WAS AND IS A TERRORIST ORGANIZATION.

(B) THE PHRASE "SIMPATIZANTE" USED IN CONNECTION WITH POLITICAL PARTIES OR MOVEMENTS OTHER THAN THE MIR HAS THE GENERALLY

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ACCEPTED DICTIONARY MEANING IN ENGLISH OF "SYMPATHIZER", OR

ONE SHARING THE SAME VIEWS.

(C) "SIMPATIZANTE" IN CONNECTION WITH THE MIR HAS A VERY DIFFERENT AND SPECIFIC MEANING. A MIR "SIMPATIZANTE" IS MUCH MORE THAN A CASUAL OBSERVER OR SYMPATHIZER. A "SIMPATIZANTE" IS ONE WHO HAS MADE AN APPLICATION TO JOIN THE MIR, IS IN PROBATIONARY STATUS UNTIL HE HAS "PASSED THE TEST" AND PROVED HIMSELF ELIGIBLE TO BE A FULL MEMBER OR "MILITANTE" OF THE MIR, AND ONE WHO PROVES HIMSELF BY DOING -- BY ACTIVELY PARTICIPATING IN THE ORGANIZATION AND SUPPORTING ITS OPERATIONS. "SIMPATIZANTE" BEARS THE SAME RELATIONSHIP TO FULL MIR MEMBERSHIP AS A "PLEDGE" BEARS TO A FRATERNITY BROTHER OR AN ACOLYTE TO A PRIEST. THE FACT OF BEING A "SIMPATIZANTE" OF THE MIR IN AND OF ITSELF MEANS "AFFILIATION" WITHIN THE TERMS OF THE INA AND ITS IMPLEMENTING REGULATIONS.

3. SINCE "SIMPATIZANTE" CLEARLY FALLS WITHIN THE DEFINITION OF AFFILIATION GIVEN IN SECTION 101(E)(2) OF THE INA AND IMPLEMENTING REGULATIONS, MIR "SIMPATIZANTES" ARE EXCLUDABLE UNDER SECTION 212(A)(28). THE FOUR CASES CITED IN REF A HAVE BEEN REVIEWED, AND CONSULAR AND INS OFFICERS CANNOT IN CONSCIENCE REVERSE THEIR REFUSALS.

4. EMBASSY REITERATES ITS REQUEST CONTAINED REF E. DOES DEPARTMENT WISH US TO DRAW UPON 212(A)(28)(F)(II), (III) AND (IV) OR 212(A)(28)(C) IN THESE CASES? WE BELIEVE THAT FORMER IS APPROPRIATE CATEGORY, AND WE ARE SUBMITTING BY SEPTTEL OUR REQUEST TO CHANGE MIR FROM CLASSIFICATION I TO CLASSIFICATION IV IN 9FAM APPENDIX A.  
POPPER

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